#### [No. 160]

#### (SB 470)

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 104.

The People of the State of Michigan enact:

#### CHAPTER XVII

# 777.12[1] Chapters 200 to 299 of Michigan Compiled Laws; felonies to which chapter applicable.

Sec. 12. This chapter applies to the following felonies enumerated in chapters 200 to 299 of the Michigan Compiled Laws:

| M.C.L.       | Category | Class | Description   | Stat Max |
|--------------|----------|-------|---|----------|
| 205.27(1)(a) | Pub trst | G     | Failure to file or false tax return or payment          | 5        |
| 205.27(1)(b) | Pub trst | G     | Aiding and abetting tax evasion or filing false returns | 5        |
| 205.27(1)(c) | Pub trst | G     | Making/permitting false tax returns or payments         | 5        |
| 205.27(3)    | Pub trst | G     | False tax returns/perjury                               | 15       |
| 205.28(1)(e) | Pub trst | G     | State employee compromising taxes                       | 5        |
| 205.28(1)(f) | Pub trst | G     | Unauthorized disclosure of tax information              | 5        |
| 205.428(2)   | Pub trst | G     | Tobacco products tax act violations                     | 5        |

| 205.428(3)  | Pub trst           | G      | Illegal sale of cigarettes or other tobacco products with wholesale                         |         |
|-------------|--------------------|--------|---|---------|
| 205.428(6)  | Pub trst           | F      | price of \$250.00 or more Illegal tobacco stamp or tobacco                                  | 5       |
| 205.428(7)  | Pub trst           | G      | stamp device Illegal vending machine license,   | 10      |
| 207.118a    | Pub ord            | G      | disk, or marker Gasoline tax—embezzlement over \$100  | 5<br>10 |
| 207.119     | Pub trst           | G      | Gasoline or motor fuel tax violation  | 4       |
| 207.127c    | Pub ord            | G      | Diesel fuel tax—embezzlement<br>over \$100  | 10      |
| 207.754(3)  | Pub trst           | G      | State treasurer—municipality tax—divulging confidential information                         | 5       |
| 252.311     | Property           | Н      | Destroying a tree or shrub to make a sign more visible                                      | 2       |
| 257.233a(7) | Pub ord            | G      | Odometer tampering  | 5       |
| 257.254     | Property           | E      | Possessing stolen vehicle title   | 10      |
| 257.257(1)  | Property           | G      | Altering or forging vehicle documents—first offense   | 5       |
| 257.257(2)  | Property           | G      | Altering or forging vehicle documents—second offense  | 7       |
| 257.257(3)  | Property           | Е      | Altering or forging vehicle documents—third or  |         |
| 055 000(0)  | D 1 1              | Б      | subsequent offense  | 15      |
| 257.309(6)  | Pub ord            | F      | Corrupting an examining officer   | 5       |
| 257.309(7)  | Pub ord<br>Pub ord | F<br>F | Deviating from road test criteria   | 5       |
| 257.309(8)  |                    | _      | Forging, counterfeiting, or altering road test certification                                | 5       |
| 257.312b(6) | Pub ord            | F      | Corrupting a person or agency<br>conducting a motorcycle driving<br>test                    | 5       |
| 257.312b(7) | Pub ord            | F      | Deviating from motorcycle road test criteria  | 5       |
| 257.312b(8) | Pub ord            | F      | Forging, counterfeiting, or altering motorcycle road test certification                     | 5       |
| 257.329(1)  | Property           | G      | Possession/sale of stolen or counterfeit insurance certificates                             | 5       |
| 257.329(2)  | Property           | Е      | Possession/sale of stolen or<br>counterfeit insurance<br>certificates—second offense        | 7       |
| 257.329(3)  | Property           | Е      | Possession/sale of stolen or counterfeit insurance certificates—third or subsequent offense | 15      |
| 257.601b(3) | Person             | C      | Moving violation causing death to construction worker                                       | 15      |
| 257.601c(2) | Person             | С      | Moving violation causing death to operator of implement of                                  |         |
| 0FF (00-/9) | D1 C               | C      | husbandry   | 15      |
| 257.602a(2) | Pub saf            | G      | Fleeing and eluding—fourth degree   | 2       |

| 257.602a(3)                  | Pub saf  | E                        | Fleeing and eluding—third degree                                      | 5                    |
|------------------------------|----------|--------------------------|---|----------------------|
| 257.602a(4)                  | Person   | D                        | Fleeing and eluding—second degree                                     | 10                   |
| 257.602a(4)                  | Person   | C                        | Fleeing and eluding—first degree                                      | 15                   |
| 257.617(2)                   | Person   | E                        | Failure to stop at scene of accident                                  | 10                   |
| 251.011(2)                   | 1 er son | 15                       | resulting in serious impairment                                       |                      |
|                              |          |                          | or death  | 5                    |
| 957 617(9)                   | Person   | $\mathbf{C}$             |   | 9                    |
| 257.617(3)                   | 1 er som | C                        | Failure to stop at scene of accident resulting in death when at fault | 15                   |
| 257.625(4)(a)                | Person   | С                        | Operating a vehicle under the   | 10                   |
| 201.020(4)(a)                | 1 er son | C                        | influence or while impaired   |                      |
|                              |          |                          | causing death   | 15                   |
| 257.625(4)(b)                | Person   | В                        | Operating a vehicle under the   | 10                   |
| 201.020(4)(0)                | 1 er son | Б                        | influence or while impaired   |                      |
|                              |          |                          | causing death to certain persons                                      | 20                   |
| 257.625(5)                   | Person   | E                        | Operating a vehicle under the   | 20                   |
| 201.020(0)                   | 1 er som | ш                        | influence or while impaired   |                      |
|                              |          |                          | _   | 5                    |
| 257 625(7)(a)(ii)            | Person   | E                        | causing serious impairment Operating a vehicle under the              | Э                    |
| 257.625(7)(a)(ii)            | 1 erson  | ш                        | influence or while impaired   |                      |
|                              |          |                          | with a minor in the vehicle—  |                      |
|                              |          |                          | subsequent offense  | 5                    |
| 257.625(8)(c)                | Pub saf  | E                        | Operating a vehicle under the   | J                    |
| 201.020(0)(0)                | 1 ub sai | 15                       | influence—third or subsequent   |                      |
|                              |          |                          | offense   | 5                    |
| 257.625(9)(b)                | Person   | E                        | Allowing a vehicle to be operated                                     | J                    |
| 201.020(9)(D)                | 1 er son | ш                        | while under the influence or  |                      |
|                              |          |                          | impaired causing death  | 5                    |
| 257.625(9)(c)                | Person   | G                        | Allowing a vehicle to be operated                                     | J                    |
| 201.020(9)(C)                | 1 erson  | u                        | while under the influence or  |                      |
|                              |          |                          | impaired causing serious  |                      |
|                              |          |                          | impairment  | 2                    |
| 257.625(10)(e)               | Pub saf  | E                        | Impaired driving—third or   | _                    |
| 201.020(10)(c)               | 1 40 541 | ш                        | subsequent offense  | 5                    |
| 257.625k(7)                  | Pub saf  | D                        | Knowingly providing false   | 0                    |
| 291.029K(1)                  | i ub sai | D                        | information concerning an   |                      |
|                              |          |                          | ignition interlock device   | 10                   |
| 257.625k(9)                  | Pub saf  | D                        | Failure to report illegal ignition                                    | 10                   |
| 201.0201(0)                  | I uo sai | D                        | interlock device  | 10                   |
| 257.625m(5)                  | Pub saf  | E                        | Commercial drunk driving—third or                                     | 10                   |
| 201.02011(0)                 | I do sai |                          | subsequent offense  | 5                    |
| 257.626c                     | Person   | G                        | Felonious driving   | $\overset{\circ}{2}$ |
| 257.653a(3)                  | Person   | $\widetilde{\mathbf{G}}$ | Failure to use due care and caution                                   | _                    |
| <b>2</b> 011000 <b>4</b> (0) | 1 012011 | <u>~</u>                 | causing injury to emergency   |                      |
|                              |          |                          | personnel   | 2                    |
| 257.653a(4)                  | Person   | $\mathbf{C}$             | Failure to use due care and caution                                   | _                    |
| <b>2</b> 0 11000 at (1)      | 1 012011 | Ü                        | causing death to emergency  |                      |
|                              |          |                          | personnel   | 15                   |
| 257.744a                     | Pub saf  | D                        | False statement in citation—perjury                                   | 15                   |
| 257.902                      | Pub saf  | Ē                        | Motor vehicle code violations   | 5                    |
| 257.903(1)                   | Property | $_{ m E}$                | Motor vehicle code—false  | -                    |
| ` /                          | 1        |                          | certification—first offense   | 5                    |
|                              |          |                          |   |                      |

| 257.903(2)         | Property   | E               | Motor vehicle code—false  |    |
|--------------------|------------|-----------------|---|----|
| 257.903(3)         | Property   | D               | certification—second offense<br>Motor vehicle code—false                | 7  |
|                    |            |                 | certification—third or<br>subsequent offense                            | 15 |
| 257.904(4)         | Person     | $\mathbf{C}$    | Operating a vehicle without a   |    |
| 257.904(5)         | Person     | $\mathbf{E}$    | license causing death Operating a vehicle without a                     | 15 |
| 257.904(7)         | Person     | G               | license causing serious impairment<br>Allowing a vehicle to be operated | 5  |
| 201.001(1)         | 1 015011   | ŭ.              | without a license causing serious                                       | 2  |
|                    | Person     | E               | impairment Allowing a vehicle to be operated                            | 2  |
| 222 1222 (2)       |            |                 | without a license causing death   | 5  |
| 257.1353(2)        | Pub trst   | Η               | Motor vehicle—fail to record<br>material matter—subsequent              |    |
| 057 1954(9)        | Durk treat | Н               | offense   | 2  |
| 257.1354(2)        | Pub trst   | н               | Motor vehicle—general violations—subsequent offense                     | 2  |
| 257.1355           | Pub trst   | H               | Motor vehicle—fail to record  |    |
| 050 100            | D 4        | П               | transaction/falsify records   | 2  |
| 259.183            | Property   | $\mathbf{E}$    | Aircraft—unlawful taking or tampering                                   | 5  |
| 259.185(4)         | Person     | $\mathbf{C}$    | Operating or serving as crew of   | 9  |
|                    |            |                 | aircraft while under the influence                                      | 15 |
| 259.185(5)         | Person     | E               | causing death Operating or serving as crew of                           | 15 |
| <b>2</b> 00,100(0) | 1 01 0011  | _               | aircraft while under the influence                                      |    |
| 250 405(0)         | 5.1.4      | -               | causing serious impairment  | 5  |
| 259.185(8)         | Pub saf    | E               | Operating or serving as crew of aircraft while under the                |    |
|                    |            |                 | influence—third or  |    |
|                    |            |                 | subsequent offense  | 5  |
| 285.82             | Pub trst   | Η               | Grain dealers act violations  | 5  |
| 285.279(c)         | Property   | $\mathbf{E}$    | False pretenses under Michigan  |    |
|                    |            |                 | family farm development act involving \$1,000 to \$20,000 or            |    |
|                    |            |                 | with prior convictions  | 5  |
| 285.279(d)         | Property   | D               | False pretenses under Michigan  | 9  |
| , ,                | 1 0        |                 | family farm development act   |    |
|                    |            |                 | involving \$20,000 or more or   |    |
|                    |            | ~               | with prior convictions  | 10 |
| 286.455(2)         | Pub saf    | G               | Agriculture—hazardous substance   | 5  |
| 286.929(4)         | Pub trst   | G               | Organic products act violations   | 4  |
| 287.323(1)         | Person     | С               | Dangerous animal causing death  | 15 |
| 287.323(2)         | Person     | G               | Dangerous animal causing serious injury                                 | 4  |
| 287.679            | Pub ord    | $_{\mathrm{H}}$ | Dead animals—third or subsequent  |    |
|                    |            |                 | violation   | 1  |
| 287.744(1)         | Pub ord    | G               | Animal industry act violations  | 5  |

| Pub saf  | G   | Agriculture—contaminating livestock/false statement/violation                     |   |
|----------|---|---|---|
|          |   | of quarantine   | 5   |
| Pub ord  | $\mathbf{G}$  | Cervidae producer violations  | 4   |
| Pub saf  | G   | Sale or labeling of oleomargarine   |   |
|          |   | violations  | 3   |
| Pub saf  | G   | Margarine violations  | 3   |
| Pub trst | Η   | Selling falsely branded cheese  | 2   |
| Pub saf  | $\mathbf{F}$  | Adulterated, misbranded, or   |   |
|          |   | falsely identified food   | 4   |
| Person   | G   | Weights and measures—assaults   |   |
|          |   | enforcement officer   | 2   |
| Pub trst | $\mathbf{G}$  | Weights and measures  | 5   |
| Person   | G   | Motor fuels—assaulting/obstructing  |   |
|          |   | director or authorized  |   |
|          |   | representative  | 2   |
| Pub trst | Η   | Motor fuels violations  | 2   |
|          | Pub ord Pub saf Pub saf Pub trst Pub saf Person Pub trst Person | Pub ord G Pub saf G Pub saf G Pub trst H Pub saf F  Person G  Pub trst G Person G | livestock/false statement/violation of quarantine Pub ord G Cervidae producer violations Pub saf G Sale or labeling of oleomargarine violations Pub saf G Margarine violations Pub trst H Selling falsely branded cheese Pub saf F Adulterated, misbranded, or falsely identified food Person G Weights and measures—assaults enforcement officer Pub trst G Weights and measures Person G Motor fuels—assaulting/obstructing director or authorized representative |

### Effective date.

Enacting section 1. This amendatory act takes effect February 1, 2002.

## **Conditional effective date.**

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 469 of the 91st Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved November 6, 2001.

Filed with Secretary of State November 6, 2001.

Compiler's note: Senate Bill No. 469, referred to in enacting section 2, was filed with the Secretary of State November 6, 2001, and became P.A. 2001, No. 159, Imd. Eff. Nov. 6, 2001.